

Board of Assessment Review Hearing
July 25, 2012
Minutes

Members Attending: Wendy White, Daniel See, Cathy Hamburger,

Also Attending: Chris Grindle (IT) and Jef Fitzgerald (Assessor)

Re: Request for Abatement – Gaylord A. Wood Jr.

Note: An audio transcript of this hearing will be available at the following link:

<http://www.tunescoop.com/play/313235313939/boar-hearing-mp3>

Hearing called to order by Daniel See, Chairman. He first established some ground rules: if the hearing were to exceed two hours, it will be adjourned and re-convened at a later date. Also established that if the hearing was to be concluded before the two-hour limit was reached, that another meeting would be established for the purpose of voting.

Mr. See observed that the presentation by Mr. Wood seemed to be very complete. He questioned that Mrs. Wood had not signed the request for abatement. Mr. Wood explained that he speaks for his wife and frequently signs for her.

Mr. Wood noted that Carol Oliver was not in attendance and that he had a number of questions that he had wanted to ask her, as he considered her to be an independent contractor. Mr. Fitzgerald said that he had not felt it necessary for Carol to attend due to her being out of the area.

Mr. See asked when Mr. Wood had become a Certified Tax Assessor and if he had ever functioned in this role. Mr. Wood explained that he had taken the course in August of 2011 in order to understand the specifics of Maine regulations. He stated his own experience as an attorney in this field covers over forty years.

Mr. Wood states that he feels that the assessment on his property at 449 Mast Hill Road is manifestly wrong and that the assessment should be based on Fair Market Value.

Mr. See stated that we must act on the Assessor's appraisal.

Mr. Wood went on to point out all the problems that existed at the time of purchase (i.e. leaking roof, broken water heater, broken pipes, etc.). Mr. Wood stated that he had bought the property at a distressed sale although he had previously stated that the purchase was not a distressed sale (Page 5).

Mr. See observed that the town's assessor's job is to keep the town's evaluations stable.

Ms. White asked whether or not we should be considering basing our opinion on Fair Market Value. Mr. See and Ms. Hamburger felt that we need to review all the information before we determine our findings.

Carol Oliver visited the property on April 1, 2011 and based her assessment on functional obsolescence as opposed to external obsolescence. Mr. Fitzgerald pointed out that Carol Oliver used the same criteria for all her assessments.

Mr. Wood feels that Mrs. Oliver should have used the criteria of external obsolescence.

Mr. See pointed out that she didn't use the cost approach. He also disagreed that land value was incorrect. Land value is based upon an established land value for a zone; therefore her assessment was fair and equitable. He also pointed out that although Mr. Wood does not value the TRIO program, that it is the most commonly used system in the state.

The assessment cards that were presented showed that there was fair and equitable treatment since they illustrated that Mrs. Oliver was not being arbitrary in her assessments.

Mr. Fitzgerald explained that Maine uses market sales ratio studies to establish a consistent basis for the state for purposes of revenue distribution.

Mr. See brought us to a review of Ms. DeShane's appraisal. Mr. Wood questioned Mr. See's right to review the DeShane report; Mr. See said that he felt that he was within his rights to review this report.

Mr. Wood feels that there was information supplied to the board that was not supplied to him. Mr. See agreed that it is not proper that Mr. Wood was not provided with the same information as the board. Mr. Fitzgerald presented a letter from Carol Oliver dated July 31, 2011 regarding appraisal and notes, but it was established that the board had not received that letter.

Mr. Wood pointed out that Bucksport was not New York. All agreed. He stated that when you see a listing that is lower than the assessment, that the offer price should be considered. This tells him that his property was over assessed. (Assessed value \$80,000. - Sale price \$60,000.) He feels that this should have been a red flag that Market Value should have been used, that subjectivity should not have been used by Mrs. Oliver.

Mr. Wood feels that "willing seller/willing buyer" criteria have been established. He feels that Mrs. Oliver's initial reduction of 10% was based on Mr. Wood's explanation of damage to the building, not on Market Value.

Mr. Wood discussed case law; the citations appear in his presentation and are too varied to list here as they are considered part of the record. In summary of this case law, he feels that he has established sufficient criteria to have this board change his assessment.

We need to ask ourselves if we were to take Mr. Wood's approach, using a different system (from TRIO) would that be fair and equitable to the other land owners.

Mr. See asked Mr. Wood why he took the Assessor's Course. Mr. Wood explained that he did so that he could understand exactly how the system works here in Maine. He disagrees with the way that we use the criteria to establish the tax base.

Mrs. Hamburger moved to adjourn the meeting and to reconvene next Wednesday at 7:00 pm to finish the hearing and to vote. Mrs. White seconded, all were in favor.

Meeting adjourned at 8:40 pm.

Respectfully submitted,

Cathy Hamburger
Secretary